

Message Text

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ACTION IO-14

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SS-15 OES-07 H-01 PA-01 SP-02 NSCE-00 SSO-00
ICAE-00 INRE-00 HA-05 NRC-05 CEQ-01 EB-08 TRSE-00
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O R 011720Z JUN 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 6728
INFO AMEMBASSY MOSCOW IMMEDIATE
AMEMBASSY HELSINKI
AMEMBASSY OTTAWA
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 03 LONDON 08687

E.O. 11652: GDS
TAGS: TSPA, UN, UK, UR
SUBJECT: US-USSR BILATERALS ON OUTER SPACE

1. SUMMARY: US AND SOVIET TEAMS HELD USEFUL TWO-DAY
ROUND OF FRANK DISCUSSIONS TOUCHING ON ALL ISSUES
EXPECTED TO BE ADDRESSED AT NEXT SESSION OF UN'S
COMMITTEE ON PEACEFUL USES OF OUTER SPACE (OSC)
COMMENCING JUNE 26. EMPHASIS WAS ON ISSUES RELATED TO
USE OF NUCLEAR POWER SOURCES IN SPACE (WHERE SOVIETS
POSED NUMBER OF QUESTIONS US WILL NEED TO HAVE POSITION
ON FOR OSC) AND REMOTE SENSING. MAIORSKII (WHO IS ALSO
ON SOV ASAT DEL) MENTIONED IN PASSING THAT, IN REGARD TO
FORTHCOMING ASAT DISCUSSIONS WITH US, SOVIETS EXPECTED
FIRST ROUND OF MEETINGS TO ESTABLISH DEFINITIONAL FRAME-
WORK FOR THE TALKS, ADDRESSING SUCH ISSUES AS WHAT
CONSTITUTES A HOSTILE ACT, AN ATTACK AGAINST A SATELLITE,
ETC. THERE WAS ALSO A BRIEF DISCUSSION OF FRENCH
VERIFICATION AGENCY PROPOSAL. BRIEFER CONSULTATIONS ON
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OSC ISSUES WERE HELD WITH BRITISH ON JUNE L.
END SUMMARY.

2. US TEAM, LED BY GERALD HELMAN, DEPUTY ASSISTANT
SECRETARY OF IO AND INCLUDING NEIL HOSENBALL, GENERAL
COUNSEL, NASA, STEPHEN BOND, ASSISTANT LEGAL ADVISER,
L/UNA, STATE, AND JOHN GRANGER, SCIENCE COUNSELOR,

EMBASSY LONDON, MET MAY 30-31 WITH SOVIETS, LED BY BORIS MAIORSKII, MFA, AND INCLUDING YURI KOLOSOV, MFA, AND VLADIMIR KOTLYAR, SCIENCE ATTACHE, SOVIET EMBASSY LONDON, TO DISCUSS FULL RANGE OF ISSUES EXPECTED TO BE DEALT WITH AT FORTHCOMING OSC SESSION, JUNE 26-JULY 7, IN NEW YORK. FOLLOWING ARE KEY POINTS RAISED AT US-SOVIET MEETINGS:

3. MOON TREATY: SOVIETS NOT CERTAIN AT THIS POINT WHETHER ADVANTAGES OF DRAFT TEXT OUTWEIGHED PERCEIVED DISADVANTAGES. THEIR MAIN CONCERN WAS OVER CONCEPT OF MOON NATURAL RESOURCES CONSTITUTING "COMMON HERITAGE OF MANKIND" (ART. XI). SOVIETS FEARED THAT INTRODUCTION OF THIS UNDEFINED CONCEPT WOULD BE USED BY LDCS TO ALTER MEANING OF OTHER TREATY ARTICLES, AS FURTHER STEP FORWARD ESTABLISHING MANKIND-HUMANITY AS A SUBJECT OF INTERNATIONAL LAW, AND AS FIRST STEP TOWARD CREATION OF A "NEW INTERNATIONAL LEGAL ORDER" FOR OUTER SPACE. IN ADDITION, TREATY MIGHT BE VIEWED AS UNDULY RESTRICTIVE ON SPACE POWERS, RATHER THAN PERMISSIVE. HOWEVER, SOVIETS ALSO RECOGNIZED THAT IT WOULD BE IMPOSSIBLE TO GET BETTER TREATY DOWN THE ROAD. QUESTION THEREFORE IS WHETHER TO ACCEPT PRESENT TEXT AS BASIS FOR TREATY AND MERELY REFINE LANGUAGE FOR FINAL TEXT AT NEXT LSC, OR WHETHER TO LET TREATY DIE. US REPLIED THAT IT DOES NOT SEE UNFAVORABLE LEGAL IMPLICATIONS FROM USE OF TERM CONFIDENTIAL

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"COMMON HERITAGE OF MANKIND", BUT WOULD EXAMINE ISSUE. WE AGREED THAT PRESENT DRAFT IN SEVERAL RESPECTS IMPROVED ON THE OUTER SPACE TREATY AND THAT EXTENDED ADDITIONAL NEGOTIATIONS WOULD LIKELY ONLY RESULT IN CONTINUING EFFORTS TO PLACE FURTHER RESTRICTIONS ON SPACE POWERS. WE NOTED THAT WE WERE NOT IN HURRY TO RUSH MOON TREATY TO CONCLUSION, ESPECIALLY AS OUR CONSULTATIONS WITH THE SENATE AND OTHER INTERESTED PARTIES NOT COMPLETED. HOWEVER, IF ALL OTHER STATES COULD ACCEPT TREATY AS PRESENTLY DRAFTED, US COULD PROBABLY GO ALONG.

4. DBS: US STATED THAT ITS POSITION ON THIS SUBJECT REMAINED UNCHANGED: SOVIETS INDICATED THAT DRAFT MEXICAN PROPOSAL OF 1976 (SPEAKING OF FULL AGREEMENT ON ARRANGEMENTS) COULD CONSTITUTE A BASIS OF AGREEMENT FOR THEM. SOVIETS REPEATEDLY EMPHASIZED THAT DBS IS CONSIDERED BY THEIR GOVERNMENT TO BE VERY SENSITIVE ISSUE WITH IMPORTANCE GOING BEYOND SPACE MATTERS (PRESUMABLY TO HUMAN RIGHTS/UNESCO MASS MEDIA) AND THAT THIS SHOULD BE BROUGHT TO ATTENTION OF HIGH LEVEL US OFFICIALS. NOTING THAT A POLITICAL STATEMENT ON THE ISSUE WAS NECESSARY, SOVIETS SAID FINAL LANGUAGE COULD BE OPEN TO

DIFFERING INTERPRETATIONS AND THAT FINDING AMBIGUOUS

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FORMULATION WAS KEY TO PROBLEM. US SHOULD "COOL DOWN"
ITS HUMAN RIGHTS ARGUMENTS, AS DBS NOT WITHIN THIS CON-
TEXT. SOVIETS WOULD NOT PUSH FOR ESTABLISHMENT OF
WORKING GROUP AT OSC IF US OPPOSED THIS. US POINTED OUT
THE POLITICAL-LEGAL CONSIDERATIONS BEHIND ITS DBS
POSITION ON PRIOR CONSENT, ITS WILLINGNESS TO ACCEPT
FULL CONSULTATIONS BEFORE ENGAGING IN DBS AND THE
IMPORTANCE OF THAT COMMITMENT, AND THE EXISTING ITU
CONSTRAINTS ON DBS.

5. NUCLEAR POWER SOURCES: SOVIETS STRESSED SENSITIVE
NATURE OF ISSUE FOR THEM. THEY SUGGESTED THAT IT CUTS
CLOSE TO THE BONE ON MILITARILY IMPORTANT ACTIVITIES;
CONSEQUENTLY, THERE WAS RESENTMENT AT WORLD ATTENTION TO
COSMOS 954 INCIDENT, GIVEN LACK OF HARMFUL CONSEQUENCES.
ALSO STATED THAT US/USSR BILATERAL COOPERATION ON ISSUE
HAD NOT BEEN FLAWLESS, AS US HAD INFORMED OTHER STATES
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OF RESULTS OF BILATERAL CONSULTATIONS ON COSMOS, WITH RESULT THAT US LOOKED LIKE THE GOOD GUYS. PRESIDENT CARTER'S MENTION OF MORATORIUM AND DRAWING OF DISTINCTION BETWEEN RTGS AND REACTORS ALSO NOT APPRECIATED. SOVIETS APPEARED WILLING TO HAVE FOLLOWING SCENARIO, WHICH THEY CLAIMED HAD SOME SUPPORT FROM CANADA: A) WORKING GROUP IN S&T (RATHER THAN SEPARATE AD HOC GROUP) ESTABLISHED, WITH GENERAL MANDATE TO EXAMINE ISSUES RELATING TO SAFETY OF NUCLEAR POWER SOURCES. SPECIFIC MENTION OF "SAFETY STANDARDS" TO BE AVOIDED, AS DEVELOPMENT OF STANDARDS RAISED PROBLEMS OF VERIFICATION AND RESTRICTING TECHNICAL ADVANCES. B) LEGAL SUBCOMMITTEE TO BE KEPT OUT OF WORK, AS GIVING IT ISSUE WOULD BE OPENING PANDORA'S BOX RESULTING IN NEW LEGAL INSTRUMENT. C) UNGA TO ADOPT RESOLUTION CALLING UPON STATES VOLUNTARILY TO PROVIDE RELEVANT INFORMATION ON NUCLEAR POWER SOURCES UPON LAUNCH AND IN CASES OF DISTRESS. D) NO CALL FOR MORATORIUM ON USE OF NUCLEAR POWER SOURCES. WHILE A MORATORIUM WOULD FIRST AFFECT USSR TO GREATER EXTENT, IT WOULD ULTIMATELY ALSO AFFECT US. US STATED ALL EFFORTS HAD BEEN MADE TO AVOID EMBARRASSING USSR ON THIS MATTER, WHICH WAS, HOWEVER, ONE OF GREAT INTEREST AND CONCERN TO PRESIDENT, CONGRESS AND AMERICAN PEOPLE. REGARDING SOVIET SCENARIO, US POSITION NOT YET FINAL, BUT IT APPEARED TO US DIFFICULT TOTALLY TO EXCLUDE LSC FROM ALL CONSIDERATION OF MATTER, AND PERHAPS EXAMINATION OF APPLICABLE LEGAL INSTRUMENTS WAS MINIMUM IT COULD DO TO SHOW MATTER BEING TAKEN SERIOUSLY AND TO AVOID PRECIPITOUS GA ACTION, INCLUDING CALL FOR MORATORIUM. WE AGREE THAT S&T ITSELF, RATHER THAN AD HOC GROUP, WOULD BE PREFERABLE. US PROMISED TO TRY TO HAVE FIRM POSITION ON FOLLOWING MATTERS RAISED BY SOVIETS: A) WOULD US DISTINGUISH BETWEEN RTGS AND NUCLEAR REACTORS IN UN
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WORK? B) WOULD US INSIST THAT S&T MANDATE INCLUDE REFERENCE TO "SAFETY STANDARDS"? C) WOULD US INSIST ON LSC ACTION IF ALL OTHER STATES CAN AGREE TO LIMIT ACTION TO S&T AND UNGA? D) COULD US ACCEPT PROPOSED SOVIET (CANADIAN?) SCENARIO? E) WHERE DOES US STAND ON ISSUE OF MORATORIUM? F) WILL THE US BE ACTIVE ON THIS QUESTION AT THE OSC?

6. REMOTE SENSING (RS): SOVIETS DO NOT BELIEVE OSC WILL DO MUCH ON RS BEYOND URGING CONTINUATION OF WORK, BUT THEY BELIEVE US POSITION BASED ON LACK OF UNDERSTANDING

OF LDC FEARS OF POSSIBLE ABUSE OF RS AND DANGER TO LDC VESTED INTERESTS. SOVIETS RESTATED CONCEPT OF OBJECTIVE CRITERIA BASED ON PHOTOGRAPHIC RESOLUTION (AND THEN TRANSLATED INTO APPROPRIATE COEFFICIENTS FOR SENSING BY RADAR, ETC.). THUS, SOVIET APPROACH WOULD BE TO HAVE RS PRINCIPLES APPLY TO ALL RS, WITH ONE PRINCIPLE BEING THAT DATA DERIVED FROM RS OF RESOLUTION FINER THAN, FOR EXAMPLE, FIFTY METERS COULD NOT BE DISSEMINATED WITHOUT PRIOR CONSENT OF SENSED STATE, BUT ALL OTHER DATA COULD BE FREELY DISSEMINATED. SOVIETS POINTED OUT THAT ON MAY 17, COMECON COUNTRIES SIGNED RS COOPERATION AGREEMENT BASED ON RESOLUTION-LIMITS APPROACH. US INDICATED SOVIET PROPOSAL STILL BEING STUDIED, BUT US BELIEVED THAT PACKAGE APPROACH TO RS PRINCIPLES NOW IMPORTANT AND THAT PRINCIPLES SHOULD NOT BE EXAMINED AND ADOPTED ONE BY ONE. INSOFAR AS SOVIET PROPOSAL DOES NOT DEAL WITH INFORMATION DERIVED FROM RS DATA, PROPOSAL WAS INCOMPLETE AND SOVIETS MUST REALIZE THAT BOTH POLICY AND LAW PRECLUDE US FROM RESTRICTING DISSEMINATION OF INFORMATION DEVELOPED BY PRIVATE PARTIES.

7. DEFINITION AND DELIMITATION OF OUTER SPACE AND LEGAL STATUS OF GEOSTATIONARY ORBIT: SOVIETS AGAIN URGED THAT

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C O R R E C T E D C O P Y (SIGNATURE LINE ADDED)

US CONSIDER THEIR PROPOSAL THAT EVERYTHING ABOVE A FIXED ALTITUDE (L00 KM FOR EXAMPLE) BE CONSIDERED AS OUTER SPACE WHILE THE DIVIDING LINE BETWEEN AIR SPACE AND OUTER SPACE BE LEFT AS UNDEFINED, TO BE WORKED OUT LATER. SOVIETS BELIEVE THAT THIS APPROACH WOULD CLEARLY PLACE GSO IN OUTER SPACE. US NOTED THAT IT STILL SAW NO PROBLEMS RESULTING FROM LACK OF DEFINITION OF OUTER SPACE AND THAT LDCS QUID PRO QUO FOR SUCH A DELIMITATION OF OUTER SPACE WOULD PROBABLY BE ESTABLISHMENT OF AGENDA ITEM IN OUTER SPACE COMMITTEE ON A LEGAL REGIME FOR GSO. FURTHER, ELIPTICAL ORBITS OF SOME US SATELLITES BROUGHT THEM WITHIN 80 KM OF EARTH. SOVIETS DID NOT BELIEVE LEGAL REGIME FOR GSO WOULD BE BROUGHT UP AT OSC, AS G-77 HAS NOT HAD TIME TO COORDINATE POSITION ON THIS MATTER.

8. ENLARGEMENT OF OSC: NEITHER SOVIETS NOR US THOUGHT ENLARGEMENT IN THEIR INTEREST ALTHOUGH SOVIETS TENDED TO CONFIDENTIAL

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PREFER ENLARGEMENT TO 52 OR 54 AS PREFERABLE TO ROTATION SYSTEM OR OPEN-ENDED COMMITTEE. CONSIDERATION WILL BE GIVEN TO ASKING REGIONAL GROUPS TO REPLACE PASSIVE OR ABSENT MEMBERS WITH STATES WISHING TO JOIN COMMITTEE.

9. CHAIRMAN OF OSC: US REVIEWED ARGUMENTS FOR AND AGAINST KEEPING JANKOWITSCH AS CHAIRMAN AFTER HE TRANSFERS TO PARIS/OECD. SOVIET INCLINATITN WAS TO ALLOW JANKOWITSCH TO CONTINUE SO AS NOT TO TEMPT NON-ALIGNED TO BID FOR HIS REPLACEMENT.

10. OUTER SPACE CONFERENCE: SOVIETS WERE INCLINED TO ASSUME THAT VIENNA WOULD BE OFFERED AS SITE OF A CONFERENCE. BUT THEY ALSO SUGGESTED THAT WE CONSIDER A CONFERENCE IN MOSCOW IN 1982 ON 25TH ANNIVERSARY OF SPUTNIK LAUNCHING# US INITIAL REACTION WAS THAT THIS MIGHT POLITICIZE CONFERENCE. SOVIETS DO NOT WISH A DIPLOMATIC CONFERENCE, BUT DO DESIRE IT TO GO BEYOND MERELY TECHNIAL ISSUES.

11. SSOD WAA FRENCH SATELLITE VERIFICATION PLAN: SOVIETS HAD IDEA THAT FRENCH PROPOSAL WAS PUT FORWARD ON BEHALF

OF NATO. US DISABUSED THEM OF THIS IDEA, INDICATING THAT WE HAD CERTAIN DIFFICULTIES WITH FENCH PROPOSAL WHILE HE APPEARED TO HAVE NO PARTICULAR INSTRUCTIONS, MAJORSKII INDICATED THAT SOVIETS ALSO FOUND FRENCH PROPOSAL TO BE OF DUBIOUS UTILITY; HE SUGGESTED THAT IT MIGHT BE REFERRED TO OSC FOR APPROPRIATE STUDY AND DISPOSITION.

12. CONSULTATIONS: SOVIETS NOTED IMPORTANCE AND VALUE OF BILATERALS AND REITERATED PREVIOUS SUGGESTION THAT US/USSR BILATERALS ON SPACE BE INSTITUTIONALIZED, STATING CONFIDENTIAL

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THAT THIS WOULD BE CONSISTENT WITH US-SOVIET 1977 TREATY ON COOPERATION IN SPACE MATTERS. US WAS NON-COMMITTAL.

13. CONSULTATIONS WITH UK: UK PREPARATIONS FOR OSC NOT YET FAR ADVANCED. ITEM OF CHIEF CONCERN TO THEM IS NUCLEAR POWER SOURCES AND LATEST DRAFTS OF PM CALLAGHAN'S SPEECH TO SSOD NOTES IMPORTANCE OF UN STUDY OF THIS ISSUEWM SOVIET SCENARIO, IF IT ALLOWS FOR EARLY RESULTS, COULD BE ACCEPTABLE. UK WOULD LIKE ITS DEFENSE REPRESENTATIVE IN WASHINGTON (DRAKE-SEIGAR) TO CONSULT WITH DOD ON THIS MATTER. UK COULD ACCEPT MTON TEATY IF US DID SO.
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